

REMARKS

These remarks are directed to the office action mailed August 21, 2007, setting a three month shortened statutory period for response which expired on November 21, 2007. A three month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on February 21, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter.

Claim Rejections - 35 USC § 103

The Examiner has rejected Claims 10, 13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Baskin (US Pat 4,956,030), Yukawa et al. (US Pat 5,568,508) and United Kingdom reference 1,127,296 (UK '296). Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the process disclosed within the instant Background of the Invention in view of any of Baskin, Yukawa et al., UK '296 and further in view of any of Orsini, Rostoker, Sakai, and Hoesch and further in view of either of Lemelson and Ballhausen.

The Examiner states in the office action of August 21, 2007 that "...the instant Background of the Invention discloses as old and well known the process of polishing an artificial stone material" and furthermore that "polishing the panel to obtain an impermeable surface layer on the antique-look surface of the panel appears as a desired result."

As supported on page 6 of Applicant's specification, claim 16 recites a method of obtaining a slab of agglomerate stone with a surface having cracks for a more antique-look. Claims 17, 19, and 20 further recite microcracks. None of the cited references or the Background of the Invention teach or suggest a method of obtaining a surface with cracks and microcracks.

Applicant submits that the Background of the Invention does not disclose the deliberate and non-obvious step of polishing the panel to "render the panel less porous, thereby reducing

corrosion and dirt penetration”, while retaining microcracks that provide a more antique-look to the surface. Polishing is usually performed to impart a gloss and remove irregularities on a smooth surface. Surfaces with an **antique or aged**-look, with irregularities, small cavities, protuberances, as well as cracks and microcracks, normally do not desire a polished high-gloss. Furthermore, performing the process disclosed in the Background of the Invention and further detaching the polyethylene-coated paper in one piece would only yield a surface that:

“...is extremely porous, tending to retain liquid and dust residues present in the environment, with inevitable periodic build-ups of dirt...this porosity accelerates corrosive phenomena which, over time, cause the sheet made of agglomerate material to break.” (page 3, lines 8-13)

The polishing step as claimed by Applicant in claims 10, 16, and 18 serves a non-obvious function that is not taught in the Background of the Invention.

Claim 18 recites “vibration and vacuum pressing the panel of homogenous agglomerate mix in the shaped die between the first layer and the second layer of polyethylene-coated paper.” This vibro-compression operation is different than the pressing and pressure-rolling of the cited references. The vibro-compression operation aims to spread the stone fragments of the agglomerate evenly inside the mold, in order to obtain a uniform distribution of the mixture constituting the tile or slab. The vibro-compression operation does not influence the interface between the upper surface of the tile and the polyethylene-coated paper, thus resulting in a **naturally-occurring** uneven and irregular upper surface. The pressing and pressure-rolling of the cited references however imparts the upper surface with a given artificial characteristic, i.e. high-gloss, patterned, embossed, etc.

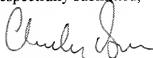
Applicant submits that none of the references teach or suggest all of the elements and limitations of independent claims 10, 16, and 18. Therefore independent claims 10, 16, and 18 and the claims thereby dependent therefrom are patentable under 35 USC §103. The Examiner is respectfully requested to reconsider and now withdraw the Examiner’s rejection.

Conclusion

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicant's undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058009-019000 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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